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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/711,299   | 09/09/2004  | Jeffry W. Jurs       | PL040019            | 5298             |
| 37621  | 7590        | 05/04/2006           | EXAMINER            |                  |
| PATENTS AND LICENSING LLC<br>DANIEL W. JUFFERNBRUCH<br>28 BARRINGTON BOURNE<br>BARRINGTON, IL 60010-9605 |             |                      | BLOUNT, ERIC        |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2612                |                  |

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/711,299

Applicant(s)

JURS ET AL.

Examiner

Eric M. Blount

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☒ Claim(s) 18-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>09092004, 09132004</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because the use of the word “radiofrequency”. It appears that the applicant has made a typographical error and that the word should read “radio frequency”. Correction is required. See MPEP § 608.01(b).

### *Claim Objections*

2. **Claims 1, 9, 10, 15, 16, and 18-20** are objected to because of the following informalities: Each of the claims are objected to because the use of the word “radiofrequency”. It appears that the applicant has made a typographical error and that the word should read “radio frequency”. Appropriate correction is required.

3. **Claim 13** is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 13, as presently presented, depends upon itself. Appropriate correction is required.

### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

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5. **Claims 1 and 10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Each of the claims includes the phrase “having characteristics sufficient”. The use of the word sufficient implies that a sidewall could be configured in any manner as long as it could hold the potting compound. Thus, it is unclear what limitations are set forth by the phrase.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 5-8, 10, and 14, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Finlayson [US 6,452,497 B1].

Regarding **claims 1 and 10**, Finlayson discloses a meat hook (16) comprising:

- a. A main body (17) having a recess (38) formed therein;
- b. A radio frequency identification tag (39) within recess (Fig. 16); and
- c. A potting compound (silicone, column 7, lines 22-29);
- d. The recess (38) has sidewalls sufficient to hold the potting compound (Fig. 16).

Finlayson shows in column 7, lines 22-29 that a potting material holds the transponder in place inside a housing (40). The transponder device housing (40) is then placed within the recess

(38). The recess (38) must inherently have sidewalls with characteristics sufficient for holding the transponder device housing (40), which holds the potting compound (silicone).

As for **claim 5**, Finlayson discloses a hook (20) and a pulley wheel (18).

As for **claim 6**, the pulley wheel is rotatably coupled to the main body below the recess and above the hook (Fig. 13).

Regarding **claims 7 and 8**, the main body (17) comprises metal stock; the metal stock bends 180 degrees at the top of the meat hook assembly; and the pulley wheel is twice rotatably coupled to the metal stock at each of two ends of its axis (Fig. 15, column 4, lines 30-33).

As for **claim 14**, the main body (17) comprises metal stock (column 4, lines 30-33); the assembly comprises a hook (20) and a pulley wheel (18). See Figures 13-15.

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 11, and 15-17, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Finlayson as applied to the claims above.

As for **claims 2 and 11**, Finlayson shows a suitable recess (38) for holding a radio frequency identification tag (39), which is covered with a potting compound (silicone). One of ordinary skill in the art would have recognized that the size, shape, and characteristics of the sidewalls would have been determined by the size, shape, and characteristics of the tag assembly.

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A skilled artisan would have adjusted one or both of the recess and the tag assembly to provide a best-fit scenario. Thus the tapering of the sidewalls is viewed as a matter of engineering design choice.

Regarding **claim 15**, Finalyson does not specifically disclose that an adhesive is disposed between the main body and the radio frequency identification tag. Finalyson teaches that the radio frequency identification device is held in place by a screw. A skilled artisan would have recognized that it would be desirable for the radio frequency identification device to be held securely in the main body. Securing means were well known in the art at the time of the invention by the applicant. Examiner contends that it would have been obvious to a skilled artisan to use any appropriate securing means whether it is an adhesive, screw, molding, welding, etc. The securing means is viewed as an engineering design choice that lacks criticality.

As for **claim 16**, Finalyson does not specifically disclose the use of a spacer. However, the use of spacers and dividers were well known in the art at the time of the invention by the applicant. It was known to use spacers to reduce interference with the radio frequency identification tag. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to use the appropriate spacers and mounting means (see claim 15) in the invention of Finalyson in order to reduce tag interference.

Regarding **claim 17**, the use of a particular potting compound is viewed as an engineering design choice, as several potting compounds were known at the time of the invention by the applicant. It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to choose a potting compound with low loss

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electromagnetic characteristics in order to reduce interference between the radio frequency identification tag and an external tag-reading device.

10. Claims 3, 4, 12, and 13, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Finlayson as applied to the claims above, and further in view of Shymko et al [US 5,781,112].

Regarding **claims 3, 4, 12, and 13**, Finlayson does not disclose that the sidewalls of the recess have a surface treatment to hold the potting compound. In an analogous art, Shymko teaches a meat hook assembly including a receptacle (30) with a surface treatment sufficient for holding a transmitter (10) enclosed in a potting compound (Figure 1, column 4, line 65 – column 5, line 39). It would have been obvious to one of ordinary skill in the art to modify the invention of Finlayson to include the surface treatment (knurling) taught by Shymko because the modification would result in a meat hook assembly that would easily securely accept and hold the radio frequency identification device. The surface treatment would reduce the likelihood that the device would be damaged or separated from the recess.

***Allowable Subject Matter***

11. If the objections were overcome, **claims 18-20** would be allowable over the prior art of record. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to sufficiently describe or suggest a mounting clip for mounting a radio frequency identification tag on a meat hook assembly, comprising an aperture, a plurality of fingers for holding the tag within the aperture, and a pair of flanges on the sides of the

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mounting clip for conforming to the sides of the main body of the meat hook assembly. These along with further limitations set forth render the claims allowable over the prior art.

*Conclusion*

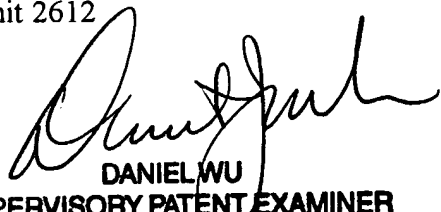
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on Monday-Thursday 8:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2612

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DANIEL WU  
SUPERVISORY PATENT EXAMINER

4/30/06